

Case 1:15-cr-00033-JPJ-PMS Document 80 Filed 02/09/16 Page 1 of 2 Pageid#: 567

particular occupations” are among the categories of evidence that “are not excluded by the rule against hearsay, regardless of whether the declarant is available as a witness.” Fed. R. Evid. 803(17). Several courts have concluded that the Kelley Blue Book falls into this hearsay exception. *See, e.g., Davidson v. Barnhardt*, No. CV 11-7298 FMO (VBKx), 2013 WL 6388354, at *14 (C.D. Cal. Dec. 6, 2013); *CIT Grp./Equip. Fin., Inc. v. Landreth*, No. 3:06-cv-269, 2007 WL 4554224, at *5 (E.D. Tenn. Dec. 19, 2007) (remarking that “[f]ederal courts have routinely admitted the Blue Book into evidence as falling under the exception provided in Rule 803(17)”); *In re Gonch*, 435 B.R. 857, 861-62 (Bankr. N.D.N.Y. 2010) (noting that “[t]he public relies on Kelley Blue Book values to make informed car purchase decisions”). Like those courts, I find that the Kelley Blue Book may fall within the hearsay exception.

Accordingly, it is **ORDERED** that the Motion for Admission of Evidence (ECF No. 58) is GRANTED in part. Counsel for the defendant may offer this evidence for admission during the trial of this matter if counsel shows that it is generally relied upon by the public and establishes its relevance.

ENTER: February 9, 2016

/s/ James P. Jones
United States District Judge